IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 23RD FEBRUARY 2007 / 4TH PHALGUNA 1928

Bail Appl..No. 738 of 2007()

CR.NO.5/07 OF KATTAPPANA EXCISE RANGE.

PETITIONER/ACCUSED.

THOMAS JOSEPH, S/O.JOSEPH,
AGED 45 YEARS, ELIPPULIKKATTU HOUSE,
LABBAKKADA, KANJIYAAR, KATTAPPANA,
IDUKKI DISTRICT.

BY ADV. SRI.JOICE GEORGE

RESPONDENT: COMPLAINANT.

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1. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. EXCISE RANGE OFFICER,
KATTAPPANA EXCISE RANGE OFFICER,
IDUKKI DISTRICT.

BY PUBLIC PROSECUTOR SHRI P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 23/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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BAIL APPLICATION NO.738 OF 2007

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DATED THIS THE 23rd DAY OF FEBRUARY, 2007

O R D E R

Petitioner who is the accused in Cr.No`.5/07 of Kattappana Excise Range for offences punishable under sections 8(1) and 8(2) of the Abkari Act for allegedly having been found in possession of 9 litres of arrack on 16.1.2007, seeks anticipatory bail.

2. Learned Public Prosecutor opposed the application submitting, inter alia, that the contraband arrack was recovered from the property of the petitioner. It is too early to accept petitioner's contention that he has been falsely implicated on account of his tirade against the abkari mafia. Anticipatory bail cannot be granted in a case of this nature. There is no reason why the petitioner should not surrender before the Magistrate concerned and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate concerned and files an application for regular bail, within two weeks from today, the same shall be considered and disposed of, preferably on the same date on which it is filed.

This application is disposed of as above.

V.RAMKUMAR, JUDGE

dsn